



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, D.C. 20350

403
IN REPLY REFER TO
OPNAVINST 5840.2
OP-412F
Ser 1361P41

16 SEP 1972

OPNAV INSTRUCTION 5840.2

From: Chief of Naval Operations

Subj: Customs inspection of operational ships and aircraft

Ref: (a) Articles 0761 and 0764, U.S. Navy Regulations, 1948
(b) DOD Customs Regulation 5030.49R of 23 Mar 1972 (NOTAL)
(c) SECNAVINST 5840.6 of 13 Apr 1972
(d) CNO Msg. 032056Z Jun 1971 (NOTAL)

Encl: (1) Ship/Aircraft Inspection Procedures

1. Purpose. To direct implementation of reference (b) and provide guidance to the fleet commanders in chief for establishing uniform customs inspection procedures for operational ships and aircraft, in order to prevent the introduction of narcotics and other contraband into the United States. This guidance is in amplification of chapter 7 of reference (b).

2. Background. In connection with the national anti-drug campaign, the Bureau of Customs established stringent inspection procedures in May 1971 to interdict the flow of heroin and other drugs into the United States. Although much of the initial effort affecting DOD has been concentrated on the examination of ships, aircraft, mail, cargo, baggage, household effects, and personnel originating in the Southeast Asia (SEA) area, the problem and interdictive effort also are present in other parts of the world. The interdictive effort will be extended to all ports of entry into the United States whatever the foreign point of origin happens to be.

3. Discussion

a. Reference (a) establishes the basic responsibility of ship commanding officers and aircraft commanders for preventing the illegal entry of drugs and other contraband into the United States. Reference (b) is the DOD directive providing instructions to the military departments for interdicting drug traffic and for cooperation in this respect, with the U. S. Bureau of Customs. Reference (c) assigned responsibilities to the Chief of Naval Operations and the Commandant of the Marine Corps for the implementation of reference (b).

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b. Reference (d) apprised the fleet commanders in chief of the interdiction effort, and gave interim guidance pending the promulgation of OSD policy, since issued as reference (b). As a result of reference (d), interim procedures were established by the fleet commanders in chief to provide assistance to customs personnel in conducting intensified inspection procedures for ships and aircraft returning from SEA waters. The procedures have proven successful in reducing the flow of contraband items, but, at the same time, have been a source of delay and inconvenience to the personnel manning the ships and aircraft and to their dependents.

c. From a personnel and operational standpoint, the ideal method for gaining customs clearance is to enable the ship commanding officer or aircraft commander to conduct his own intense inspection of the ship or aircraft in a manner acceptable to customs officials, and for him to certify to customs officials upon arrival at the port of entry into the U. S. that the inspection is complete, and, at the same time, to report and turn over to customs officials all drugs and other contraband found.

4. Policy. It is the Defense Department policy to cooperate fully with Bureau of Customs efforts to stop the flow of heroin and other drugs and contraband of other types, such as firearms, into the U. S.-on Navy ships and aircraft and, at the same time, to minimize inconveniences to Navy and Marine personnel and their dependents caused by the intensified customs inspections.

5. Procedures. In order that a commanding officer or commander of a ship or aircraft will be in a position to certify completion of an acceptable inspection to the customs authorities upon arrival at a U. S. point of entry, the procedures contained in enclosure (1) have been developed with the collaboration of the Bureau of Customs. Ships and aircraft entering the U. S. customs territory that have conducted self-inspections in conformance with these procedures will, insofar as feasible, be cleared for entry by customs officials with a minimum number of spot checks and routine customs procedures.

6. Action

a. All addressees will comply with the provisions of reference (b) as applicable.

b. Fleet commanders in chief will take the following measures to implement the intent of this instruction:

(1) Promulgate ship and aircraft inspection procedures in accordance with enclosure (1) and chapter 7 of reference (b) which will enable the ship commanding officer or the aircraft commander to declare the ship or aircraft free of drugs and contraband. The authority to conduct these inspections outside the customs territory of the United States, regardless of by whom they are conducted, derives from the authority of the commanding officer to order inspections of his organization. Accordingly, inspections conducted in implementation of this instruction should either meet the criteria for command health, safety, material condition and readiness inspections or they should be authorized as searches based upon probable cause.

(2) Arrange with local customs officials for specific procedures to clear incoming ships and aircraft at each point of entry.

(3) Keep customs officials advised of incoming ship and aircraft schedules so that inspectors are available to meet arrivals. Particular attention will be given to carrier air wing fly-offs and to aircraft proceeding from an initial U. S. port of entry to a secondary U. S. port under a "permit to proceed" arrangement with customs officials.

(4) Schedule arrivals and disseminate information to minimize adverse morale effects on shipboard personnel and their dependents.

(5) Inform, on a continuing basis, all fleet personnel and other personnel embarked in Navy ships and aircraft of the stringent customs inspection to which they will be subjected.

(6) Facilitate customs inspection and clearance by any feasible means, such as flying or boating customs personnel out to ships in advance of port arrival, and delivering declaration forms to customs officials in advance of arrival.

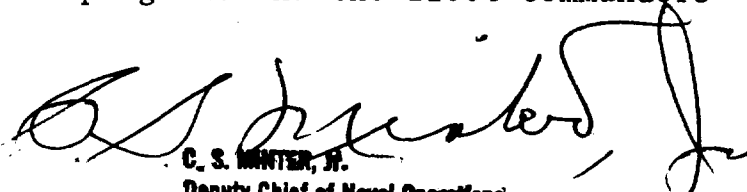
(7) Ensure, whenever feasible, that personnel assigned to customs inspection duties receive training under the supervision of Bureau of Customs personnel. In-port periods should be utilized to update team personnel by means of discussion periods with local Bureau of Customs officials. As noted in Appendix B, paragraph B-2 of reference (b), personnel performing customs inspection duties aboard ships are not required to be designated military customs inspectors.

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(8) Keep CNO informed of problems which arise in customs clearance procedures.

c. Commander, Military Sealift Command will implement the intent of these instructions with appropriate directives for ships under MSC control.

d. Naval district commandants will maintain close liaison with Bureau of Customs officials in their areas to ensure close cooperation and a free flow of information on customs clearance requirements, keeping CNO and the fleet commanders in chief informed.


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SHIP/AIRCRAFT INSPECTION PROCEDURES

1. Establish inspection team(s) of responsible, mature officers and petty officers designated in writing by C.O. Members will be available to Customs officials for discussion of inspection routine, as conducted, upon arrival at port of entry.
2. Conduct thorough inspections of all ship and aircraft spaces, cargo, personnel, and lockers. Ensure that provision is made for precluding movement of contraband from space to space to avoid detection. This inspection is to take place between the time the ship departs last foreign port and the arrival at the port of entry. Insofar as possible, the entire inspection will be carried out on an unannounced basis. The drug interdiction effort, although culminating in the final inspection enroute to CONUS, is envisioned as a continuing process lasting throughout the entire deployment.
3. In addition to the inspection in paragraph 2 above, the ship or aircraft will conduct at least one unannounced inspection of spaces randomly selected at discretion of the C. O.
4. All personnel aboard the ship or aircraft will prepare Customs declaration forms. These forms will be checked against the crew list by a designated officer or CPO to ensure that all have submitted a declaration. The declarations will be delivered to Customs personnel upon boarding unless pre-arrival delivery arrangements have been made. The items declared will be available for Customs inspection upon demand. Declarations will be segregated into four categories as follows and will be under a covering letter similar to that contained in paragraph 7010 of reference (b):
 - a. Declarations from military personnel who have served on board the ship continuously since its last departure from the customs territory of the United States.
 - b. Declarations from embarked military personnel who, even though they were not serving on board the ship when it last departed the customs territory of the United States, have been outside the customs territory of the United States for 140 or more continuous days.

Enclosure (1)

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c. Declarations from military personnel who do not fall into either of the two above categories.

d. Declarations from civilians (less dependents whose military sponsor has prepared a family declaration).

5. The commanding officer of ships returning from outside the Customs territory of the U. S. shall ensure all mail, except letter mail, is dispatched in pouches or sacks labeled "Supposed Liable to Customs." Letter mail suspected of containing merchandise or contraband shall be enclosed in official envelopes and addressed to the Administrative Officer, U.S. Customs Mail Division at either 1675 7th Street, Oakland, California 94615; 404 South Lander Street, Seattle, Washington 98134; or 201 Varick Street, New York, New York 10014, as appropriate.

6. The commanding officer of the ship or the aircraft commander will prepare a written declaration certifying that he has completed the required inspection and that, to the best of his knowledge, the ship is free of drugs or other contraband. He will present this document to the boarding Customs official.

7. Adequate working space will be made available for Customs officials on board.

8. For those ships having the capability, customs declaration forms may be flown in to the port of entry in advance of arrival for delivery to Customs officials if prior arrangements have been made.

9. Ships or aircraft having classified equipment or cargo which Customs personnel wish to inspect will provide an officer or petty officer to do the actual examination in the presence of a Customs official.

10. The Commanding Officer or aircraft commander should take every opportunity to explain the new inspection procedures and the necessity for their thorough and conscientious accomplishment. It should be explained that the self-inspection procedure results in less inconvenience to the crew and also in faster debarkation upon arrival at the port where dependents are waiting.